

1.1 Member Appointments

The State Board of Elections (SBE) consists of three members who serve for concurrent four-year terms that begin on February 1 of the odd numbered year in which an election for Governor is not regularly scheduled. In other words, the Board takes office roughly 13 months after a new Governor is sworn in. The Governor appoints all three members, subject to confirmation by the General Assembly. He designates which of the three members is to serve as the Secretary and administrative head of the agency with authority to employ staff. The Board then meets and elects a Chairperson and Vice-Chairperson. No member of the Board, other than the Secretary, can be appointed to more than two consecutive terms. The Governor, subject to confirmation by the General Assembly at its next regular session, fills vacancies for the remainder of any unexpired terms. Two members are appointed to represent the political party of the Governor, and one to represent the political party whose candidate received the next highest number of votes in the most recent gubernatorial election. The party entitled to the appointment may make recommendations to the Governor. There is no requirement, however, that the Governor solicits recommendations, or follows them. If the Governor was not elected as the candidate of a party, representation is given to the parties having the highest and next highest number of members in the General Assembly. (§ [24.2-102](#))

During their tenure on the State Board, members are specifically prohibited from:

- running for or holding elective office in the Commonwealth;
- serving as chair of a political party committee;
- or serving as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth. (§ [24.2-102](#))

No member of the SBE staff shall serve:

- As the chairman of a political party or other officer of a state, local, or district-level political party committee or
- As a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.¹ (§ [24.2-103](#))

¹ Law change effective 7/1/2009

Organizationally, the SBE, as an agency, is part of the executive branch of state government. It reports to the Governor through the Secretary of Administration. The SBE, as a board, is designated an independent board. The Board and agency staff must perform their duties impartially and fairly.

1.2 The Purpose and Duties

The SBE is charged with supervising and coordinating the work of county and city electoral boards and registrars, so as to obtain uniformity in their practices and proceedings and legality and purity in all elections. It may adopt and issue policies, standards, procedures, and instructions in accordance with the law and with directives from the General Assembly. (§ [24.2-103](#)) Some regulations are mandated as in the case of residency for which SBE adopted regulations that were precleared in the fall of 2009. The SBE has a subject matter exemption from the Administrative Process Act in issuing regulations dealing with eligibility to vote and elections. (§ [2.2-4002](#)) Throughout Title 24.2, the Board is given the responsibility to develop and prescribe many and various forms, rules, and regulations for use in the registration and election process. (§ [2.2-4002](#)) General registrars and electoral boards are required to comply with all SBE rules and regulations not inconsistent with Virginia or federal law. ([§ 24.2-103\(\(A\)\)](#)).²

The SBE is also responsible for:

- providing training to registrars and electoral board members at least once a year (§ [24.2-103](#));
- setting the training standards for officers of election.³
- providing for the continuous operation and maintenance of the Virginia Election and Registration Information System or VERIS (§ [24.2-404](#));
- overseeing the administration of the Campaign Finance Disclosure Act (§ [24.2-946](#)); and
- meeting on the fourth Monday in November to ascertain the results and “make statements of the votes” (certify the results) of any election for General Assembly or Congressional office, statewide offices, President and Vice-President, and any office shared by more than one locality (§ [24.2-679](#)), or not later than 14 days after any primary for these offices (§ [24.2-534](#)). It also must meet as soon as possible after any special election for any of the offices listed above in order to ascertain the results (§ [24.2-679](#)).

In addition to these required meetings, the SBE meets periodically throughout the year to adopt policies or procedures and to address issues with potential impact on the agency or localities. Notice of SBE meetings is posted in accordance with the Virginia Freedom of Information Act (VFOIA). (§[2.2-3700 et seq.](#)) Meetings of the SBE are open to the public unless specifically exempted under VFOIA. Dates, times and agendas for Board meetings are posted on the SBE website - www.sbe.virginia.gov and the [Commonwealth Calendar](#). To request the opportunity to speak before the Board or to request an item be

² Paragraph revised for 2009 legislation.

³ Inserted 7/1/2009

considered for the agenda, please contact Vanessa Archie (Vanessa.archie@sbe.virginia.gov) or call 1-800-552-9745.

The SBE has authority to institute proceedings for the removal of any electoral board member who fails to discharge his duties in accordance with law by petitioning the circuit court of the electoral board's locality. It may petition a local electoral board for the removal of a general registrar who fails to discharge his duties in accordance with law and if the local electoral board refuses to remove a general registrar, may institute proceedings for the registrar's removal by petitioning the circuit court of the general registrar's locality. (§§ [24.2-103](#) and [24.2-234](#))

The SBE is also charged with reporting state statistics relating to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA) to the U.S. Election Assistance Commission (EAC). The Secretary serves as the state coordinator for implementation of these Acts. VERIS gathers many of the necessary statistics as transactions are processed (*i.e.*, for every registration application and change in a voter's registration). This means that all new voters, denials, cancellations, and changes of status concerning active and inactive voters must be processed through VERIS. (§ [24.2-404.1](#))

In addition, under the Voting Accessibility for the Elderly and Handicapped Act ([42 USC 1973ee](#)); the Secretary must enforce the federal requirements for accessible polling places.

1.3 Staff to the Secretary of the State Board of Elections

The SBE staff includes two positions that are appointed by the Governor and serve at his pleasure. These are (1) a Deputy Secretary, and (2) a confidential policy advisor to the Secretary. All other staff members are hired by the Secretary either on an hourly basis or under Virginia's classified personnel system without regard to political affiliation. The Secretary is responsible under the Code of Virginia and the By-Laws of the SBE for carrying out the administrative duties imposed upon the Board by federal and state election laws. The staff assists the Secretary in carrying out these administrative duties.

The SBE (agency) is organized according to functional service areas as defined in the state budget and is subject to reorganization by the Secretary.

The Strategic Plan of the SBE details the agency's mission, vision, values, goals and performance. [Virginia Performs](#)

The agency's budget is set by the [Appropriations Act](#), which also sets forth the state-funded salaries for electoral board members and general registrars and the number of days per week the registrar's offices are to be open. The budget is adopted on a biennial basis, in even-numbered years, and amended in the odd-numbered years.